

UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE PATENT TRIAL AND APPEAL BOARD

SLAYBACK PHARMA LLC,
Petitioner,

v.

EYE THERAPIES, LLC,
Patent Owner.

IPR2022-00142
Patent 8,293,742 B2

Record of Oral Hearing
Held: February 27, 2023

Before TINA E. HULSE, ROBERT A. POLLOCK, and RYAN H. FLAX,
Administrative Patent Judges.

IPR2022-00142
Patent 8,293,742 B2

APPEARANCES:

ON BEHALF OF THE PETITIONER:

ROBERT FREDERICKSON, III
Goodwin Procter LLP
100 Northern Avenue
Boston, MA 02210
rfrederickson@goodwinlaw.com

LINNEA P. CIPRIANO
Goodwin Procter LLP
The New York Times Building
620 Eighth Avenue
New York, NY 10018
lcipriano@goodwinlaw.com

ON BEHALF OF THE PATENT OWNER:

BRYAN C. DINER
CAITLIN E. O'CONNELL
CHRISTINA JI-HYE YANG
JUSTIN J. HASFORD
Finnegan, Henderson, Farabow, Garrett & Dunner, LLP
901 New York Ave, NW
Washington, D.C. 20001-4413
bryan.diner@finnegan.com
caitlin.oconnell@finnegan.com
christina.yang@finnegan.com
justin.hasford@finnegan.com

The above-entitled matter came on for hearing on Monday, February 27, 2023, at 1:00 p.m., at the U.S. Patent and Trademark Office, 600 Dulany Street, Alexandria, Virginia before Walter Murphy, Notary Public.

P R O C E E D I N G S

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JUDGE POLLOCK: Good morning -- or good afternoon, everyone. I'm Judge Pollock. With me in the hearing room is Judge Flax and joining us virtually is Judge Hulse.

This is the final hearing in IPR2022-00142, involving Claims 1 to 6 of U.S. Patent Number 8,293,742.

Petitioner is Slayback Pharma, LLC and Patent Owner is Eye Therapies, LLC.

Let's begin with appearances. Counsel for Petitioner, would you please introduce yourself and your colleagues?

MR. FREDERICKSON: Yes, Your Honor, good afternoon, Robert Frederickson on behalf of the Petitioner from the law firm of Goodwin Procter. With me is my colleague Linnea Cipriano, also from Goodwin Procter. And we also have Anjum Swaroop, Jeffrey Martin, and Deepti Jain from Dr. Reddy's Laboratories, the real party in interest.

JUDGE POLLOCK: Good afternoon.

MR. FREDERICKSON: Good afternoon.

JUDGE POLLOCK: Patent Owner, please introduce yourself and who's with you.

MR. DINER: Good afternoon, Judge Pollock, Bryan Diner for the Patent Owner, Eye Therapies. I'm joined by colleagues Caitlin O'Connell, Christina Yang, Justin Hasford; and, representing the Patent Owner, Kristi McIntyre and Bob Rowlett.

1 JUDGE POLLOCK: Good afternoon.

2 Ms. O'Connell, are you here as a LEAP practitioner?

3 MS. O'CONNELL: Yes, Your Honor.

4 JUDGE POLLOCK: Welcome.

5 MS. O'CONNELL: Thank you.

6 JUDGE POLLOCK: As we stated in our hearing order,
7 each party will have 60 minutes of time to present their
8 arguments. Because Patent Owner has notified us that we have a
9 LEAP practitioner for today's argument, Patent Owner will have
10 an additional 15 minutes of argument time.

11 The parties have also requested the hearing room be closed
12 for a portion of the hearing so the parties may discuss
13 confidential information. That request has been granted and we
14 will close the hearing room at the end of the hearing to do so.

15 The parties have been informed that Petitioner would like
16 to reserve five of its 60 minutes and Patent Owner would like to
17 reserve ten of its 75 minutes argument time to discuss any
18 confidential information.

19 Are those still the amounts of time the parties would like
20 reserve; Petitioner?

21 MR. FREDERICKSON: Yes for Petitioner.

22 JUDGE POLLOCK: Mr. Diner?

23 MR. DINER: Yes for Patent Owner.

24 JUDGE POLLOCK: All right, then we will close the
25 hearing room when there are 15 minutes left in the hearing. For

1 the public portion of the hearing, we'll start with the Petitioner,
2 then hear Patent Owner's response; then, assuming Petitioner and
3 Patent Owner both reserve any of that original time, we will hear
4 Petitioner's rebuttal and, finally, Patent Owner's surrebuttal.

5 Once the public portion of the hearing is complete, we will
6 take a quick break to close the hearing room, during which that
7 time anyone who is not permitted to hear confidential
8 information under the protective order will leave the hearing
9 room and the IT technician will close the public line. It is up to
10 the parties and their representatives to determine who is
11 authorized to remain.

12 When we resume the hearing, as we discussed during the
13 prehearing conference, we will hear first from Petitioner and
14 then Patent Owner, and then Petitioner's rebuttal and, finally,
15 Patent Owner's rebuttal.

16 We have your slides. We have received both sides'
17 objections to those slides and we will address those quickly here.

18 Regarding Petitioner's objections to Slides 2 and 72 for
19 citing evidence that's subject to Petitioner's motion to exclude,
20 we will take those objections under advisement pending the
21 outcome of that motion. For now, Patent Owner may rely on
22 those slides during today's argument.

23 Patent Owner, when you come to Slides 2 and 72, would
24 you please note that they are subject to those objections as a
25 reminder to the panel.

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